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NOV 17 2007

TECHNOLOGY CENTER 3600

In re application of
Michael C. Scroggie et al
Application No. 09/505,632
Filed: February 16, 2000

: **DECISION ON PETITION**
: **TO WITHDRAW OFFICE**
: **ACTION AND PROCEED**
: **TO BOARD UNDER**
37 CFR 1.181

For: SYSTEM & METHOD FOR DISTRIBUTING
INFORMATION THROUGH COOPERATIVE
COMMUNICATION NETWORK SITES

This is in response to the petition filed on May 16, 2006 under 37 CFR 1.181 to request that the office action mailed March 20, 2006 be withdrawn and allow prosecution to proceed to appeal.

The petition is DENIED

Applicant has requested that the Director instruct the examiner to withdraw the office action mailed March 20, 2006, reinstate the appeal brief filed on December 23, 2005 and require the examiner to file and examiner's answer to that brief.

Applicant has provided an Appeal history for the above application which is substantially correct. However, as stated in MPEP 1207 "After an appeal brief under 37 CFR 41.37 has been filed and the examiner has considered the issues on appeal, the examiner may:

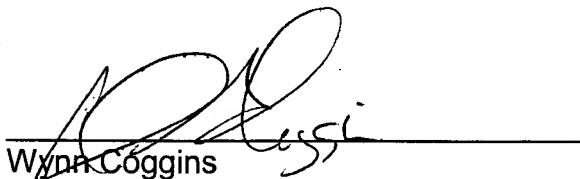
(A) reopen prosecution to enter a new ground of rejection with approval from the supervisory patent examiner (see MPEP § 1207.04). The supervisory patent examiner's approval is placed on the action reopening prosecution by signing the action.

Also, MPEP 1207.04 (Reopening of Prosecution After Appeal), states, " The examiner may, with approval from the supervisory patent examiner, reopen prosecution to enter a new ground of rejection after appellant's brief or reply brief has been filed. The Office action containing a new ground of rejection may be made final if the new ground of rejection was (A) necessitated by amendment, or (B) based on information presented in an information disclosure statement under 37 CFR 1.97(c) where no statement under 37 CFR 1.97(e) was filed. See MPEP § 706.07(a). >Any after final amendment or affidavit or other evidence that was not entered before must be entered and considered on the merits.

It is clear from a review of the record that the proper procedure set forth in MPEP 1207 for reopening prosecution was followed and the proper approval obtained before the office action of March 20, 2006 was mailed.

Furthermore, based on the prosecution subsequent to the office action mailed March 20, 2006, this petition is moot since this application is being forwarded to the Board of Appeals based on the Examiner's Answer mailed June 20, 2007.

The office apologizes for the long prosecution history in this case and has noted applicant's request that prosecution no longer be re-opened.



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JWH: 10/11/2007

